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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,398	12/10/2001	Raymond H. Riner	GRD0126.US	4852

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EXAMINER

ESTRADA, ANGEL R

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N

10/016,398

Applicant(s)

RINER, RAYMOND H.

Examiner

Angel R. Estrada

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment A filed on June 18, 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/18/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 11, 12 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 line 2, "an electrical connector" is this the same as the pass through connector?

Claim 11 line "at least one of an electrical connector, a data connector and a telephone connector" is this referring to the pass through connector or the electrical/cable connector?

Claim 15 line 2, "least one said pass-through connector is interconnected to one of electrical power, data and telecommunication" confusing and unclear. Is the pass through connector is interconnected to an electrical power cable, receptacle or cable/connector?

Claims 4 and 12 are included because of their dependency.

Any further rejections of claims 3, 4, 11, 12 and 15 in this office action are based on claims 3, 4, 11, 12 and 15, as they are understood by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowman (US 4,967,041).

Regarding claim 1, Bowman discloses an underfloor receptacle box (see figure 1), comprising a housing (see figure 3) having a plurality of openings including a first opening (top opening defined by the box) and a second opening (60); a lid (93) detachably attached to said housing (see figure 4) substantially closing said first opening (see figure 4); at least one pass through connector (61), at least one said pass through connector (61) being at least partially disposed in said second opening (60); and an insert (40-42) having at least one angled wall (see figure 1 and 3), said insert (40-42) being removably connected to said housing (column 2 line 64-67), said insert (40-42) having a continuous wireway between said at least one angled wall and said housing (see figure 1).

Regarding claim 2, Bowman discloses the underfloor receptacle box (see figure 1), further comprising at least one of an electrical power receptacle (43), a telecommunication receptacle and a data receptacle (column 2 line 65-67) connected to said insert (40-42)

Regarding claim 3, Bowman discloses the underfloor receptacle box (see figure 1), wherein said electrical power receptacle (43) include an electrical cable (63) connected to said electrical power receptacle (43) and said pass through connector (61) connected to said electrical cable (63, see figure 1).

Regarding claim 4, Bowman discloses the underfloor receptacle box (see figure 1), further comprising a power connector (62) configured to detachably connect to said pass-through connector (61, see figure 1).

Regarding claim 5, Bowman discloses the underfloor receptacle box (see figure 1), wherein said housing has at least one additional opening (60) configured for the passage into said housing (see figure 3) of at least one of electrical power, telecommunication and data (see figure1).

Regarding claim 6, Bowman discloses the underfloor receptacle box (see figure 1), wherein said lid (93) has at least one slot (see figure 9) along at least one edge, said at least one slot (see figure 9) providing for the passage of electrical interconnections into said housing (see figure 4).

Regarding claim 7, Bowman discloses the underfloor receptacle box (see figure 1), wherein said lid (93) includes a bezel (70) that is detachably connected to said housing (column 3 line 66-column 4 line 2), said lid (93) hingebally connected to said bezel (column 4 line 23-30), said bezel (70) having at least one retaining hook (110) which contacts with said at least one slot (see figure 4) thereby retaining electrical conductors (see figure 4).

Regarding claim 8, Bowman discloses the underfloor receptacle box (see figure 1), wherein said housing portion is configured to be mounted below a finished floor level (see figure 1), said bezel (70) being substantially at said finished floor level (see figure 1) and connected to said housing (see figure 4).

Regarding claim 10, Bowman discloses a method of reconfiguring an underfloor receptacle box (see figure 1), comprising the steps of removing a mounting assembly (40-42) from the underfloor receptacle box (see figure 1); disconnecting an electrical cable/connector (see figure 1) from a pass through connector (61) and installing a pre-configured mounting assembly (40-42) into the underfloor receptacle box (see figure 1).

Regarding claim 11, Bowman discloses the method of reconfiguring an underfloor receptacle box (see figure 1), wherein said removing step includes the steps of detaching said mounting assembly (40-42) from a housing of the underfloor receptacle box (see figure 3); and unplugging at least one of an electrical connector (61), a data connector and a telephone connector (see figure 1).

Regarding claim 12, Bowman discloses the method of reconfiguring an underfloor receptacle box (see figure 1), wherein said installing step includes the sub-steps of connecting at least one of said electrical connector (61), said data connector and said telephone connector (see figure 1) to said mounting assembly (40-42); and attaching said mounting assembly (40-42) to said housing (see figure 1 and 3).

Regarding claim 13, Bowman discloses the method of reconfiguring an underfloor receptacle box (see figure 1), further comprising the step of removing a bezel (70) with a hingedly attached lid (93).

Regarding claim 14, Bowman discloses the method of reconfiguring an underfloor receptacle box (see figure 1), further comprising the steps of removing at least one receptacle (43) from said mounting assembly (40-42); and attaching at least one receptacle (43) to said mounting assembly (40-42).

Regarding claim 15, Bowman discloses the underfloor receptacle box (see figure 1), wherein at least one said pass-through connector (61) is interconnected to one of electrical power, data and telecommunication cable (see figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman (US 4,967,041).

Regarding claim 9, Bowman discloses the claimed invention except for said at least one angle wall of said insert is two angled walls and said insert includes a bottom attached between said two angled walls and said wireway continuous between said bottom and said housing. It would have been an obvious matter of design choice to make the at least one angle wall of said recess into two and a bottom attached between said two angle wall, where said wireway continuous between said bottom and said housing, since such a modification would have involved a mere change in the shape of

a component. Where the instant specification and evidence of record fail to attribute any significance (novel or unexpected results) to a particular shape, a change of shape is generally recognized as being within the level of ordinary skill in the art. *Span-Deck Inc. V. FabCon, Inc.*, 215 USPQ 835.

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection (Bowman US 4,967,041).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Almond (US 6,338,301) and Stelter et al (US 5,736,676) discloses a receptacle box having an insert with angle walls defining a wireway. Nguyen (US 6,411,526) discloses an electrical/cable connector.

7. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for after final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

September 20, 2002

 9/23/02

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